

REMARKS

Receipt of the Office Action of August 18, 2009 is gratefully acknowledged.

Claims 5 - 10 have been re-examined and finally rejected under 35 USC 103(a) over PROFIBUS in view of Diedrich.

This final rejection is respectfully traversed.

Independent claim 5 defines two steps which are not found in the combination proposed by the examiner. Taking the electrical device descriptions (electrical has been added to claim 5) and then transforming these descriptions by a first compiler or generator into a syntactically and semantically correct standard device description (EDD 1.1 in Fig. 2) (step 1), and then transforming this standard device description also automatically by a second compiler into a software module (step 2) are not taught by the combination proposed by the examiner. For his rejection, the examiner relies heavily on Diedrich, but his commentary is not really specific to the steps noted, and in fact is somewhat extraneous when viewed against the defined steps. This type of analysis approaches , if not matches a hindsight analysis which is not permitted in applying 35 USC 103.

It was previously noted regarding Diedrich that the software modules disclosed therein are not produced for field devices . The software devices of the invention are quite different from those disclosed by Diedrich. Also, it was noted that the use of a lot of different compilers for transforming the device descriptions not having a uniform form, or language is precisely what the present invention avoids.


As previously noted, and as now repeated, the combination proposed by

the examiner does not teach that the standard device descriptions produced are from device descriptions for field devices not having a uniform form or language.

The examiner is urged to enter the amendment to claims 5 and 7 and to fins claims 5 - 10 allowable.

If the examiner believes that further amendments to the claims are necessary, he is invited to contact the undersigned to discuss what further amendments he believes might be necessary.

Respectfully submitted,


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